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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-FIFTH  
SESSION

**HOUSE FILE No. 3842**

March 5, 2008

Authored by Peppin

The bill was read for the first time and referred to the Committee on Commerce and Labor

1.1 A bill for an act  
1.2 relating to commerce; regulating gasoline sales below cost; amending Minnesota  
1.3 Statutes 2006, section 325D.01, subdivision 5; repealing Minnesota Statutes  
1.4 2006, sections 325D.01, subdivisions 11, 12; 325D.71.

1.5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

1.6 Section 1. Minnesota Statutes 2006, section 325D.01, subdivision 5, is amended to  
1.7 read:

1.8 Subd. 5. **Cost.** The term "cost", as applied to the wholesale or retail vendor, means:

1.9 (1) the actual current delivered invoice or replacement cost, whichever is lower,  
1.10 without deducting customary cash discounts, plus any excise or sales taxes imposed on  
1.11 such commodity, goods, wares or merchandise subsequent to the purchase thereof and  
1.12 prior to the resale thereof, plus the cost of doing business at that location by the vendor; and

1.13 (2) where a manufacturer publishes a list price and discounts, in determining such  
1.14 "cost" the manufacturer's published list price then currently in effect, less the published  
1.15 trade discount but without deducting the customary cash discount, plus any excise or  
1.16 sales taxes imposed on such commodity, goods, wares or merchandise subsequent to the  
1.17 purchase thereof and prior to the resale thereof, plus the cost of doing business by the  
1.18 vendor shall be prima facie evidence of "cost";

1.19 ~~(3) for purposes of gasoline offered for sale by way of posted price or indicating~~  
1.20 ~~meter by a retailer, at a retail location where gasoline is dispensed into passenger~~  
1.21 ~~automobiles and trucks by the consumer, "cost" means the average terminal price on~~  
1.22 ~~the day, at the terminal from which the most recent supply of gasoline delivered to the~~  
1.23 ~~retail location was acquired, plus all applicable state and federal excise taxes and fees,~~  
1.24 ~~plus the lesser of six percent or eight cents.~~

2.1       Sec. 2. **REPEALER.**

2.2               Minnesota Statutes 2006, sections 325D.01, subdivisions 11 and 12; and 325D.71,  
2.3 are repealed.

2.4       Sec. 3. **EFFECTIVE DATE.**

2.5               Sections 1 and 2 are effective the day following final enactment.